

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, July 23, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Vice Chairman Godwin called the meeting to order at 7:21 p.m. Commissioners present: Greg Godwin, Dan Popp, Eric Schultz and Jason Burnett. Commissioners absent: Stephen Koranda, Paul Kilgore and Eileen Mertz. Also present: Community Development Director Fred Sherman; Planners Amy Banks and Jennifer Dady; and several concerned citizens.

II. Pledge of Allegiance

Vice Chairman Godwin led the Pledge of Allegiance.

III. Approval of Minutes

The minutes of the July 9th, 2007 meeting, were approved by unanimous consent.

Director Sherman requested that Agenda Item No. 4 (Amendments to Chapter 17, Subdivision Regulations), be removed from the July 23, 2007 meeting agenda and forwarded to the August 13, 2007 meeting.

IV. Consent Items

1. FDP-07-05 Prairiebrooke Village Clubhouse

Consider a Final Development Plan for Prairiebrooke Village Clubhouse. The 25-acre site is located 1/5 mile north of 175th Street, just west of Kill Creek Road. The applicant is Continental Groups, with engineering services provided by Allenbrand-Drews & Associates, Inc.

2. FP-07-10 Cottage Park West, 21st Plat

Consider a Final Plat for Cottage Park West, 21st Plat, a 0.401 acre replat for a planned multi-family residential development located at 896 to 902 S. Woodson Court. The application is filed by 1st Choice Builders, L.L.C.; with engineering services provided by Green Engineering Services, Inc.

3. FP-07-11 Cottage Park West, 22nd Plat

Consider a Final Plat for Cottage Park West, 22nd Plat, a 0.277 acre replat for a planned multi-family residential development located at 874 to 880 S. Woodson Court. The application is filed by 1st Choice Builders, L.L.C.; with engineering services provided by Green Engineering Services, Inc.

4. SP-07-13 Gardner Elementary School Parking Lot Addition

Consider a Site Plan for Gardner Elementary School for a parking lot addition. The parking lot is located at the north side of the school, addressed at 218 E Shawnee St. The application is filed by USD 231, owner of record, with engineering services provided by Peridian Group, Inc.

Motion Popp, second Burnett, to forward the Final Plat for Cottage Park West, 21st Plat, (FP-07-10) and the Final Plat for Cottage Park West, 22nd Plat, (FP-07-11) to the City Council with recommendations for approval of the easements and rights-of-way; and to approve the Site Plan for Gardner Elementary School for a parking lot addition (SP-07-13) and the Final Development Plan for Prairiebrooke Village Clubhouse (FDP-07-05).

Motion to Forward by Unanimous Consent Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

Motion to Approve by Unanimous Consent Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

V. Agenda Items

1. Z-07-05/PDP-07-04 Granite Springs

Conduct a public hearing and consider rezoning Granite Springs from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District) for a 26.6 acre property located at the northeast corner of 167th Street and Waverly Road. The application is filed by Jabez Development, L.L.C.; with engineering services provided by Peridian Group, Inc.

Public Hearing Notification Process

Based on state statute and local ordinance provisions, notices for public hearings must appear in the official City newspaper at 20 days prior to the date set for the hearing (16-1508 and K.S.A.12-757). That means that the notice for the public hearings associated with this application should have appeared in The Gardner News no later than Monday, July 2, 2007; however, it did not appear until the Friday, July 6, 2007 edition. The notice to the newspaper and written notice sent to property owners both denoted that the Public Hearing on this application would be conducted at the July 23, 2007 Planning Commission meeting. This application should be discussed by the Planning Commission at the July 23rd meeting, but the public hearings should likely not be concluded until the next Planning Commission meeting.

1. **APPLICANT:** The applicant is Jabez Development, L.L.C.; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning of approximately 26.6 acres from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District), and approval of the associated preliminary development plan (PDP-07-04).
3. **LOCATION:** The property is located at the northeast corner of the 167th Street and Waverly Road intersection.
4. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. Given the fact that the Development Plan Map shows the subject property as appropriate for low-density residential uses, the proposed CP-2, Planned General Business District, does not conform to the adopted Community Development Plan.

The Community Development Plan pursues appropriate quantities and locations of commercial land throughout the City. The locational criteria for commercial development, as discussed in the Commercial Land Use Goals, should be used as the basis for locating future commercial areas on the Development Plan Map and Future Land Use Map. The Commercial Land Use Goals are also used to evaluate the appropriateness of all rezoning and final development plan proposals for retail commercial developments. Commercial development areas are designed to occur in "nodes" to avoid continuous lineal shallow lot depth commercial development along the City's street corridors.

Specific adopted policies in the Community Development Plan regarding commercial land uses are:

Policy 1.5: Contain Commercial Development -

Encourage the formation, retention, and expansion of commercial development within the existing commercial boundaries as shown on the Community Development Plan Map.

Policy 2.1: Use Appropriate Transitional Methods -

Appropriate transitional methods should be considered at all locations where the development or expansion of commercial land use abuts residential property (either built or zoned). The city strives to meet the following objectives when compatible transition is necessary:

- a) Site Orientation:
 - 1) Site design should be oriented toward thoroughfare or commercial streets.
 - 2) Site access should be off of thoroughfare or commercial streets.
 - 3) Where appropriate, streets may be used as boundaries between commercial and residential land uses.

Policy 2.3: Allow the Option of Low-Intensity Office as Transitional Use -

Allow low-intensity office development as an alternative transitional land use into low-density residential neighborhoods with these conditions:

- a) Such development must be compatible in architectural design, height, bulk, and building materials to the adjacent low-density residential developments.
- b) Such development must demonstrate compatible site design by the use of extensive screening, building and parking orientation, and preservation of natural site amenities.
- c) Traffic generated by such development must be directed away from residential areas and on to commercial streets.
- d) Such development is limited to areas shown as Office on the Community Development Plan Map.

Policy 3.1: Follow Locational Criteria for All Commercial Development -

The locational criteria for all commercial development are:

- a) Limit commercial development to the areas shown as Commercial on the Community Development Plan Map.

- b) Discourage the formation or expansion of strip commercial development by focusing new growth in a more clustered pattern.
- c) Promote the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.
- d) Encourage commercial development to form as part of existing or new shopping centers as opposed to isolated parcels along commercial strips.
- e) Limit the principal access of commercial development to thoroughfare, reverse frontage, or commercial streets.
- f) Encourage commercial development to locate on sites having minimal slope to avoid substantial grading and disruption of natural drainage and vegetation.
- g) Promote the retention of stands of trees, natural vegetation, and environmentally sensitive areas whenever possible to act as buffers between developments and as site amenities within developments.

Policy 4.1: Avoid Exceeding Street Capacity -

Discourage the expansion of existing or the inclusion of new commercial development in areas where, even with street and traffic signal improvements, the additional traffic generated by such development would exceed the handling capacity of the street system.

5. **ANALYSIS:**

History of Commercial Zoning Requests on this Subject Property

At the October 9, 2006, meeting, the Planning Commission voted 4-1 to recommend to the City Council approval of Z-06-08, rezoning 26.7 acres from Agricultural to CP-2 (Planned General Business District) subject to developing stipulations of approval and a revised development plan to be submitted for final approval by the Planning Commission at the October 23, 2006 meeting. The revised development plan (PDP-06-08) was forwarded to City Council with a recommendation for approval (6-0) at the October 23, 2006 meeting. City Council unanimously denied the rezoning request (Z-06-08) at their November 6, 2006 meeting.

At the April 20, 2007 meeting, the Planning Commission determined that a new rezoning application for the proposed commercial area of Granite Springs, located on the northeast corner of the 167th Street and Waverly Road intersection, which would include a CP-2; Planned General Business District, and a C-O; Office Building District (this subject application), would not be substantially the same as previous rezoning applications for the subject area; and could be submitted for consideration prior to the 12 months from denial of rezoning case Z-06-08 by the City Council as set forth by City code.

Commercial Land Use in the Northwest

While there is a strong community-wide desire to plan for and to accommodate retail locations in all parts of the City, the critical evaluation of the established policies and criteria for allowing new commercial development areas should be done judiciously, to prevent establishing an open-door policy of allowing high intensity retail and commercial uses on the corner properties of every section line road in the City.

Not all areas of the community would have the necessary exposure and high volume future traffic counts to ensure that commercial developments would attract a healthy mix of good tenants over time. By allocating and zoning too many commercial areas within the City of Gardner, staff fears that the sustainability of many of the community's commercial areas could be compromised. With the recent rezoning of property at the northwest corner of 167th Street and Gardner Road for commercial use, the decision of whether or not to rezone this property for non-residential land uses needs to be carefully reevaluated.

The Preliminary Development Plan

The submitted preliminary development plan is mostly identical to the revised development plan (PDP-06-08) submitted at the October 23, 2006 meeting, except that the applicant is now requesting C-O (Office Building District) for the 5.2 acre, southeast portion of the site. The revised preliminary development plan consists of 116,500 square feet of retail space and 24,200 square feet of office space for a total of 140,700 square feet of floor area.

Issues with this submitted plan that may warrant additional discussion include that this plan has excessive parking over the city's minimum requirements. According to section 517.3 of the Zoning Ordinance, in Planned Commercial Districts "jointly used parking facilities may be permitted..." While this is not a requirement, the intention is to reduce the impervious surfaces in the development. Staff understands that potential tenants have minimum parking requirements that may exceed city requirements, but parking lots are typically designed to be at least twice as large as the anticipated average need due to the psychological reaction that the average person has to a full parking lot versus an almost-empty one. In shopping centers where tenants share parking areas, less excess is needed to achieve the desired effect. Without shared parking, the Zoning Ordinance would require this development to provide at least 563 parking spaces (a few more could be required, depending on the tenants); ideally, less would be provided due to shared parking. This preliminary development plan proposes 792 spaces—roughly forty percent more than required, even without any sharing allowed by the planned district.

6. **STAFF RECOMMENDATION:** Based upon the adopted Community Development Plan, staff recommends that the Planning Commission forward the rezoning application Z-07-05, rezoning 26.6 acres from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District), and the associated preliminary development plan (PDP-07-04), to the City Council with a recommendation for denial.

If the Planning Commission chooses to forward the rezoning application Z-07-05, and the associated preliminary development plan (PDP-07-04), to the City Council with a recommendation for approval, then staff recommends that it be subject to the following stipulations:

- a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) and Exhibit B (Building Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein.
- b. The proposed development shall be limited to 140,700 total square feet of commercial development.
- c. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations shall be submitted for review and approval by public works department staff.
- d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by community development department staff.
- e. The private street drive located 450 north of the intersection of 167th Street and Waverly Road may be limited to right-turn-only movements in the future when Waverly Road is widened to a standard City thoroughfare, or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.
- f. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.
- g. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct right and left turn lanes and acceleration lane(s) on 167th Street.

Vice Chairman Godwin opened the public hearing at 7:29 p.m.

Director Sherman presented the staff report.

Vice Chairman Godwin invited comments from the applicant. Pete Heaven, legal representative for the applicant, gave a brief presentation of the revisions made to the Preliminary Development Plan (PDP-06-08) that was originally submitted October 23, 2006 and stated that he would be happy to answer any questions regarding the application.

Vice Chairman Godwin opened the hearing to the public.

Darla Williams, 317 W. Cheyenne Street, expressed approval of design concept and area demographics.

Jim Guinotte, land owner to the west of said property, asked the applicant when the construction/project would start.

Pete Heaven gave a time line of 2 – 10 years for final completion of all development projects by the developer in that area.

Commissioner Burnett commented that the new building seemed too large, but understands the demographics.

Commissioner Schultz agreed with Commissioner Burnett's concern for the size of the new building and stated that he does like the new proposal.

Vice Chairman Godwin expressed his uncertainty with the comparisons to the Community Development Plan.

Motion Schultz, second Burnett, to Table Agenda Item No. 1 to the August 13, 2007 meeting.

Motion to Table Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

2. SP-07-12 Genesis Farms Pool

Consider a Site Plan for Genesis Farms Pool, a single platted lot to provide a private subdivision pool. The lot is located at 517 S. Meadowbrook Street in the center of Genesis Farms, Addition #2, roughly 0.4 miles north of Cherokee Street and 0.4 miles west of Center Street. The application is filed by Genesis Development, with engineering services provided by Peridian Group, Inc.

Director Sherman presented the staff report and explained, in detail, staff's reason for recommending denial of the Site Plan based on the lack of proposed off-street parking.

1. **APPLICANT:** The applicant is Genesis Development, with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan for construction of a private pool facility on ~14,250 square foot platted lot for the Genesis Farms / Holtgraver subdivision.
4. **LOCATION:** The subject property is located at 517 S. Meadowbrook Street.
5. **EXISTING ZONING:** The property is currently zoned R-1, Single Family Residential District.
5. **STAFF ANALYSIS:** The site plan is for improvements on a single platted lot to provide a private subdivision pool. The lot is located in the center of Genesis Farms, Addition #2, roughly half mile north of 183rd Street and a half mile west of Center Street, in the middle of the subdivision.

Building and Pool

According to the applicant, the proposed pool house will be almost identical to the one at Genesis Creek. It will use similar building materials, colors, and have the same floor plan. Bathrooms will be located in this building.

The pool has a zero-depth entry and gradually deepens to a depth of five feet. A "mother's wall" and bench separates the shallow end from the deep end. The plan meets City requirements for setbacks and landscaping.

Parking

The applicant originally presented this plan to staff with head-in parking along the east side of the street or on the inside of the curve. Section 16-1001 of the zoning ordinance denotes that head-in parking from any public right-of-way is not permitted. This is also inappropriate due to the lot's location inside the curve of Meadowbrook Street. The applicant responded by submitting the subject site plan with no off-street parking at all.

While the Zoning Ordinance does not specifically address the issue of parking at neighborhood pools, it is staff's position that due to its location on the curve, this particular case falls within the realm of public health, safety, and welfare.

The fact that the pool is centrally-located makes it convenient for pedestrians, and in fact, the entire neighborhood is within a reasonable walking distance of less than a half-mile to this proposed neighborhood pool. However, it's not unreasonable to think that some people may prefer to drive to this proposed neighborhood pool, and will do so even without available off-street parking. Forcing people to walk to the pool may make it difficult for

disabled or elderly people to access it. Also, it is likely that vehicles would be parked along the curb for short periods of time as the pool is maintained. If the site in question was not located in the curve, this would not be quite as significant of a problem, as Meadowbrook Street is not a major street. However, due to the site's location in the curve, staff is concerned that vehicles parked along the edge of the street could present safety issues.

Based on past approvals of other neighborhoods pools within Gardner, staff has examined factors including number of dwelling units served by the pool, size of the lot upon which the pool sits, the size of the pool itself, and number of parking spaces provided. Pools examined include Aspen Creek, Fairfield, Genesis Creek Estates, and Symphony Farms. Based on a comparison of these pools, one would expect to find approximately seven (7) parking spaces proposed at Genesis Farms. However, it should be noted that of the pools mentioned, the Genesis Farms pool is the pool in the most centralized location within its subdivision. But while the other pools are all located at entrances to the subdivisions, they are still within the approximately half-mile walking range of the homes in their respective subdivisions.

Of the pools mentioned above, only those at Aspen Creek and Genesis Creek Estates have already been completed and opened. Staff counted cars in the pool parking lots at 4:00pm on Friday, July 13 and at 5:45pm on Sunday, July 15, 2007. The parking lot at Aspen Creek had no cars on Friday and four cars on Sunday, and there were people at the pool on both occasions. Staff also noted the presence of bicycles in the parking lot on Sunday. The parking lot at Genesis Creek Estates had one car on Friday and two cars on Sunday, with people at the pool on both occasions. This data shows that some people are indeed walking (and biking) to the pool instead of driving; however, it also shows that some people prefer to drive to the pool. Whether a lack of parking spaces would have caused those who drove to walk or ride bikes instead cannot be answered with certainty, but staff suspects that at least a couple of them would have driven anyway.

If the pool is approved with or without off-street parking, it should be noted that to designate the east side of Meadowbrook Street, or the inside of the curve as a "no parking" zone would require adoption of an ordinance by City Council. However, if people aren't allowed to park along the curve, any drivers to the pool would be forced to park along the curb in front of private homes.

Staff did suggest to the applicant that they provide an alternative plan with parking in order to provide the Planning Commission with a choice between the two plans, but the applicant elected not to do so. Staff is typically in favor of reducing the size of parking areas, but not in favor of removing them entirely. In this case, staff feels strongly that at least four (4) off-street parking spaces should be provided, one of which would be ADA compliant.

This issue should be thoroughly discussed by Planning Commission prior to making a decision to provide staff some policy direction in regards to this matter.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission deny the Site Plan for the Genesis Farms Subdivision Pool, a private facility (SP-07-12), based upon the potential safety issues arising from the lack of proposed off-street parking.

Vice Chairman Godwin invited comments from the public.

Danielle Withroder, 654 S. Pine St., expressed that parking is not needed due to the location of pool in the neighborhood, does not feel location is a safety concern and feels very strongly that the Site Plan should not be denied.

Ann Cort, 661 S. Walnut St., expressed that the pool should not be denied due to parking, agrees with Danielle Withroder's comments and will hold the developer responsible since the neighborhood was promised a neighborhood pool when homes were built.

Darla Williams, 317 W. Cheyenne St., explained to commissioners why she is not against the neighborhood pool, just the concept of this proposal because of the small size of the pool, the possibility of sharing it with other neighborhoods and the cost of Homeowner Association dues associated with this project. Ms. Williams feels it is a waste of her Association fees.

Carri Jarrett, 642 S. Walnut St., expressed that she likes the plan and feels it is a great design for kids. Ms. Jarrett does not feel parking is an issue.

Karen Wiley, 371 W. Cheyenne St., agrees with her neighbors that parking is not an issue, and suggested that diagonal parking would be a better choice than a parking lot and loves the design of the pool.

Ann Cort, 661 S. Walnut St., believes the pool would help raise the value of the homes in this neighborhood.

Darla Williams, 317 W. Cheyenne St., expressed that due to the size of the pool, it would always be overcrowded. Ms. Williams feels she would be better off putting a pool in her backyard.

Pat Reed, 649 S. Pine St., agrees with her neighbors that parking is not an issue.

Danielle Withroder, 654 S. Pine St., expressed concern regarding possible loitering in the parking lot during the times of year when the pool is closed. Ms. Withroder feels that a dark parking lot in her neighborhood is more of a concern than parallel parking along the street and does not want a parking lot at the neighborhood pool.

Commissioner Popp explained that the Planning Commission has to be concerned with what is best for the City of Gardner. Commissioner Popp understands the neighborhood's point of view, likes the pool, but does not like the parking issue.

Commissioner Burnett agreed with Commissioner Popp that he too does not like the lack of parking.

Commissioner Schultz explained that he has no desire to shut down the idea of a neighborhood pool; he is just concerned for the safety of the residents and would like to see the Site Plan redesigned.

Director Sherman explained some of the choices staff would find acceptable:

- different location in community where there is not a curve in the street
- different location on the same lot with the addition of off-street parking.

Vice Chairman Godwin explained that he too has no desire to shut down the idea of a neighborhood pool, but he is concerned for the safety issues that are associated with the lack of parking.

Chairman Burnett asked if this item could be tabled to August 13, 2007.

Director Sherman explained the differences of tabling and denying to commissioners.

Curt Scoville, of Genesis Development, presented the design and structure to the Planning Commission. Mr. Scoville explained why the design choices were made and the safety he feels they bring.

Director Sherman expressed the concerns staff has over ADA regulations and guidelines for a parking lot because of the pool's design, particularly having an ADA-approved zero-depth entry.

Commissioner Popp explained to the applicant and public that if the neighborhood provides an ADA-approved pool, without ADA parking, that would open the neighborhood and the City of Gardner to complaints and potential legal actions taken by disabled persons.

Director Sherman invited the applicant to redesign the Site Plan and then resubmit to the Planning Commission.

Motion Popp, Second Schultz to Deny SP-07-12 Site Plan for Genesis Farms Pool
Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

Vice Chairman Godwin thanked the public for coming and expressing their concerns and views.

3. FDP-05-03 Gardner Retail Plaza (Wal-Mart)

Consider a revised Final Development Plan for Gardner Retail Plaza (Wal-Mart) located at 1725 E. Santa Fe Street for modifications to the western and southern fencing and screening elements. The application is filed by Apex Companies LLC.

Director Sherman presented the staff report along with examples of other security fences used throughout the City of Gardner and Johnson County.

1. **APPLICANT:** The application is filed by Apex Companies LLC on behalf of Wal-Mart Stores, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a revised final development plan for modifications to the western and southern fencing and screening elements of the approved plan. The original final development plan under this case number was approved by the Planning Commission at the July 11, 2005 meeting for the expanded store.
3. **LOCATION:** The property is located at the southwest corner of the Cedar Niles Road and E. Santa Fe Street intersection, addressed as 1725 E. Santa Fe Street.
4. **EXISTING ZONING:** The property is currently zoned CP-2, Planned General Business District (Z-04-06), and M-1, Restricted Industrial District.
5. **ANALYSIS:** The applicant requests approval of a revised final development plan for modifications to the western and southern fencing and screening elements of the approved plan.

The Wal-Mart store in Gardner, Kansas was developed utilizing a Tax Increment Financing (TIF) district to help pay for:

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- street improvements to the U.S. 56 Hwy and Cedar Niles Road intersection;
- improvements to Santa Fe Street;
- for the mitigation and removal of the Conestoga sewer lagoon; and,
- re-routing Bull Creek to the west of the building footprint along with on-site wet-lands mitigation area.

The open ditch and wet-bottom landscape elements at the south end of the property were improvements permitted specifically by the U.S. Army Corps of Engineers as part of the 404-permit process on the wetlands mitigation and creek realignment necessary for the development of this site.

Representatives for Wal-Mart have submitted a plan and request to install an 8-foot tall vinyl coated chain link fence along the top of the landscaped berms on the western property line adjacent to the Conestoga Mobile Home complex, and also along a portion of the southern parking area, both fences linking to the KDOT fence along Interstate 35 Highway.

The location of the proposed fence is all outside the floodplain and wet land areas that were permitted and regulated by the U.S. Army Corps of Engineers. Landscaped areas adjacent to the proposed fences, as well as some open space areas "inside" the proposed fenced are mowed and maintained on a seasonal basis. Gates are being proposed to allow access into the wet land open space area for access.

Significant review was done by staff and the Planning Commission with the approval of the original final development plan for this Wal-Mart site to ensure that the solid wood screening fence that is installed along the back of the Wal-Mart store, but east of the creek would provide adequate screening of the rear of the store, but still allow for the landscaped improvements along the relocated Bull Creek channel to be maintained and enjoyed by the adjacent residents of Conestoga.

The City of Gardner has no adopted specific fencing guidelines that address the preferred style and type of fencing and screening requirements for various site development situations. The Planning Commission has on several other past case applications provided specific guidance and approvals on other security fencing and screening standards, including the installation of rough-iron-like fencing.

Discussion and direction by the Planning Commission on this topic and this particular request will help staff formulate standards to be presented and adopted at a later time-frame.

Policy issues for this particular request that staff seek Commission guidance on:

- Is any type of fence needed or desired for this particular situation from the public-at-large perspective;
- Would a different style of type of fence – ranging from a split rail decorative fence to another type of security fence be appropriate or warranted in this location;
- How will the fencing interfere with or hinder landscape maintenance efforts for both property owners – Wal-Mart Inc. and the owners of Conestoga Mobile Home complex.

6. **STAFF RECOMMENDATION:** Staff recommends denial of the revised final development plan for Gardner Retail Plaza (Wal-Mart) (FDP-04-04); for modifications to the western and southern fencing and screening elements of the approved plan.

Vice Chairman Godwin invited comments from the public.

Mark Sanner, Gardner Wal-Mart Store Manager, expressed to the Planning Commission Wal-Mart's concern for the safety of local children who enjoy playing in the creek beds located on the west and southwest side of the Wal-Mart property. Mr. Sanner gave examples of problems that have arisen from the children's activity in the creek bed, including:

- the destruction and vandalism of the current wood fence
- one "known" accident of a child falling through the ice last winter

Mr. Sanner and Wal-Mart feel that the wood fence is no longer a deterrent for those children and request that the Planning Commission allow a new and taller fence, made of more durable material, be allowed to be placed on the west and southwest side of the property.

Commissioners Popp, Godwin, Burnett and Schultz all agreed that the material described for the fence in the Revised Final Development Plan needs to be different.

Commissioner Popp would like to see "tube steel fencing" or iron fencing, which is similar to the fencing around the City of Gardner's new lift station.

Vice Chairman Godwin expressed his concern in the proposed fence looking like a penitentiary.

Eric Dodge, of APEX Companies, stated that he would be more than happy to look into other available materials for the Planning Commission to review.

Motion Schultz, second Burnett, to Table FDP-05-03 Revised Final Development Plan for Gardner Retail Plaza (Wal-Mart) to the August 13, 2007 meeting.
Motion to Table Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

4. Amendment to Chapter 17, Subdivision Regulations

Conduct a public hearing to consider amendments to Chapter 17.

Motion Schultz, second Burnett, to Table Agenda Item to the August 13, 2007 meeting.
Motion to Table Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

VI. Adjourn

Motion Popp, second Burnett, to adjourn the meeting at 9:36 p.m.
Motion to Adjourn Carried: 4 to 0 Aye (Koranda, Kilgore and Mertz: Absent)

Angie Lind, Planning Service Specialist
Community Development Department